

REMARKS

By the *Office Action* of 29 March 2006, Claims 1-63, 66-87, 90-92, and 94-98 are pending in this Application, and are all rejected. In response to the *Office Action*, Applicant submits this *Response and Amendment*.

By the present *Response and Amendment*, Applicant amends independent Claims 1, 14, 28, 33, 41, 57, 67, 70, 81, 91, and 94 to further clarify Applicant's claimed invention.

Applicant submits this response solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, argument, or claim cancellation presented during prosecution is not to be construed as abandonment or disclaimer of subject matter.

No new matter is believed introduced by the present *Response and Amendment*. It is respectfully submitted that the present Application is in condition for allowance for at least the following reasons.

I. All Of Applicant's Pending Claims Are Allowable

Applicant amends independent Claims 1, 14, 28, 33, 41, 57, 67, 70, 81, 91, and 94 to further clarify Applicant's claimed invention. Specifically, these claims have been amended to clarify Applicant's claimed invention to recite that an emergency message is transmitted along a predetermined path of transceivers in a transceiver network. Support for these clarifying amendments can be found in at least ¶¶ 138-147 of Applicant's *Specification* (as published).

Applicant respectfully submits that the references of record, neither individually or collectively, do not teach or suggest all of the features recited in the amended independent Claims. Applicant, therefore, respectfully submits that the clarifying amendments place this Application in condition for allowance.

II. The Claim Rejections

Claims 1-63, 66-87, 90-92, and 94-98 are currently pending in this Application, and are all rejected. Specifically, Examiner asserts the following rejections:

Claims 1, 3, 4, 8, 13-18, 20, 22, 23, 27-30, 32-35, 37, 41, 42, 44, 45, 49, 57-60, 63, 66-68, 70, 71, 73, 74, 81-84, 87, 90-92, and 94-98 are rejected under 35 U.S.C. § 103(a) as being unpatentable over International Application No. WO 00/23956 A1 to Rieser et al. (“Rieser”) in view of U.S. Patent No. 6,067,017 to Stewart et al. (“Stewart”);

Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser in view Stewart in further view of U.S. Patent Application Publication No. 2001/0021646 Antonucci et al. (“Antonucci”);

Claims 9-11, 19, 50-53, 61, 76-79, and 85 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view Stewart in further view of U.S. Patent Application Publication No. 2002/0072348 to Wheeler et al. (“Wheeler”);

Claims 12, 31, 54, 62, 80, and 86 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view Stewart in further view of U.S. Patent No. 5,555,286 to Tendler (“Tendler”);

Claims 36, 38, and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view Stewart in further view of U.S. Patent Application Publication No. 2003/0069002 to Hunter et al. (“Hunter”);

Claims 40 and 69 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view Stewart in further view of U.S. Patent Application Publication No. 2003/0133473 to Manis et al. (“Manis”); and

Claims 55 and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view Stewart in further view of U.S. Patent Application Publication No. 2002/0098858 Struhsaker (“Struhsaker”).

III. Claims 1-63, 66-87, 90-92, & 94-98 Are Patentable Pursuant to 35 USC § 103(a)

In the *Office Action*, Claims 1-63, 66-87, 90-92, and 94-98 are rejected under 35 U.S.C. § 103(a). As MPEP § 2143 provides, a *prima facie* case of obviousness requires three factual findings. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest ***all the claim features*** as a whole. All three findings must be present to properly support a *prima facie* case of obviousness.

Here, Claims 1-4, 6-20, and 22-29 as amended are patentable because the cited references do not teach or suggest *all the claim features*. Claims 1-63, 66-87, 90-92, and 94-98 are also patentable over the cited references, because the cited references do not recite all of the features of the claims as amended.

A. Claims 1, 14, 28, 33, 41, 57, 67, 70, 81, 91, & 94 Are Patentable

Independent Claims 1, 14, 28, 33, 41, 57, 67, 70, 81, 91, and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser in view of Stewart. These Claims are patentable, however, because Rieser and Stewart do not teach or suggest all of the features recited in the Claims.

Rieser discloses a method and system for providing location dependent and personal identification information to a public safety answering point. The Rieser system includes a personal security transmitter, multiple base stations, and a command center. (Rieser, Page 14 - Fig. 5). In operation, the personal security transmitter, when activated, transmits a transmission packet signal to one or more base stations. (Rieser, Page 14-15). The base stations receiving the transmission packet signal process the transmission packet signal and generate a base station packet. (Id.) After generating the base station packet, the base stations then transmit the base station packet to the command center. (Id.). The command center receives and processes the base station packet, and retrieves personal identification information from a database corresponding to the person activating the personal security transmitter. (Id.)

Rieser does not teach or suggest signals traveling along a predetermined path through a network of transceivers as recited in the amended independent Claims. Specifically, Rieser does not teach or suggest the following:

As recited in Claim 1, a plurality of network transceivers, each network transceiver having a unique identification code and configured to communicate the emergency message with other network transceivers over a predetermined path;

As recited in Claim 14, a memory having data, the data including at least an identification code corresponding to the emergency message transceiver's unique identification code and path information indicating a predetermined transmission path over a network;

As recited in Claim 28, a first transceiver configured to detect a first emergency message from a second transceiver and configured to transmit a second emergency message to a third transceiver designated by a predetermined network path;

As recited in Claim 33, a transceiver configured to receive an emergency message broadcasted through an emergency message transceiver network according to a predetermined signal transmission path;

As recited in Claim 41, communicating the emergency message from an emergency message transceiver to a network transceiver that is designated as a next transceiver along a predetermined path through a network of network of transceivers such that an emergency message is communicated over an intermediary communication system to an emergency message management controller;

As recited in Claim 57, communicating an emergency message and relevant information along a predetermined path over a network of transceivers such that assistance is summoned in response to the received emergency message;

As recited in Claim 67, an emergency message having information of interest associated with an emergency message transceiver and a predetermined transmission path that messages from the emergency message transceiver are to follow over a transceiver network;

As recited in Claim 70, means for communicating an emergency message from a emergency message transceiver to a network transceiver designated as a next transceiver along a predetermined path of transceivers in a transceiver network such that the emergency message is communicated over an intermediary communication system to an emergency message management controller;

As recited in Claim 81, means for communicating an emergency message and relevant information along a predetermined path over a transceiver network such that assistance is summoned in response to the received emergency message;

As recited in Claim 91, means for communicating an emergency message and information of interest along a predetermined path over a transceiver network to a display device; and

As recited in Claim 94, an emergency message transceiver for communicating emergency messages to at least one of a plurality of transceivers **designated as a next transceiver according to a predetermined path** in a transceiver network.

The transmissions from the individual transmitter in Rieser do not follow a predetermined path. Rather, Rieser's transmitter transmits signals indiscriminately to any base station within its range. Each of these base stations retransmits the signal to a command center. (Rieser, Abstract and Page 7). Rieser does not teach that only the base station that is designated as the next transceiver along the predetermined path is to retransmit the message to the command center. To the contrary, Rieser teaches sending the transmissions from the transmitter to a plurality of base stations, which may be mobile, and retransmitting the data indiscriminately from each base station to the command center. (Rieser, Page 10). Therefore, the signal will follow multiple paths through different base stations before reaching the command center, rather than one or more predetermined paths.

Stewart discloses a method of determining the location of a caller sending transmissions over a cellular network. (Stewart, Abstract). The transmission from the cell phone is sent in all directions to all base stations within range, the cell phone serving as a beacon. It is contrary to the purpose and teachings of Stewart that the signal from the cell phone would follow only a predetermined path through a transceiver network.

Applicant, therefore, respectfully submits that independent Claims 1, 14, 28, 33, 41, 57, 67, 70, 81, 91, and 94, as amended, are patentable over Rieser in view of Stewart, since the references alone or in combination do not disclose, teach, or suggest all of the features recited in the Claims. Further, Claims 3, 4, 8, 13, 15-18, 20, 22, 23, 27, 29-30, 32, 34-35, 37, 42, 44, 45, 49, 58-60, 63, 66, 68, 71, 73, 74, 83-84, 87, 90, 92, and 95-98 are patentable over Rieser and Stewart due to their dependence upon Claims 1, 14, 28, 33, 41, 57, 67, 70, 81, 91, and 94, and for the further limitations contained therein. Withdrawal of the § 103(a) rejection is respectfully requested.

B. Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, & 75 Are Patentable

Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser in view Stewart in further view of Antonucci. These Claims depend upon the independent Claims discussed above, which are rejected under Rieser in view

of Stewart. For the reasons discussed above, Rieser and Stewart do not disclose each of the features recited in the independent Claims. Antonucci does not cure the defects present in Rieser and Stewart. Applicant respectfully submits that the combination of Rieser, Stewart, and Antonucci fails to teach or suggest all of the features and limitations recited in Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, and 75.

Antonucci discloses a system and method for routing special number calls in a telecommunications network. According to Antonucci, the “invention is particularly directed to routing special number calls in a telecommunication network,” such as emergency 911 calls. (Antonucci, ¶ 28). The Antonucci system includes a mobile call originating station, a mobile switching station, a mobile geolocation system, and a special number call service station. (Antonucci, ¶ 32). The mobile call originating station originates a special number call and includes a position determining unit. (Antonucci, ¶ 32). The mobile switching station receives the special number call and assigns a temporary identifier for the mobile call originating station. (Id.) The mobile geolocation system cooperates with the mobile switching station to query the position determining unit for origination geographic information relating to the call. (Id.) The special number call service station is coupled to the mobile switching station, and the mobile switching station routes the special number call service station using some of the origination geographic information. (Id.).

Antonucci does not teach or suggest signals following a predetermined path over a transceiver network. As discussed above, Rieser and Stewart do not disclose each and every claim element and limitation of the amended independent Claims. Additionally, the Rieser-Stewart-Antonucci combination does not disclose each and every claim element and limitation recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver transmitting a signal along one or more predetermined paths over a transceiver network.

For at least these reasons, Applicant respectfully submits that Rieser, Stewart, and Antonucci fail to teach or suggest all of the features and limitations recited in Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, and 75. Therefore, Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, and 75 are patentable over the cited references and withdrawal of the § 103(a) rejection is respectfully requested.

C. Claims 9-11, 19, 50-53, 61, 76-79, & 85 Are Patentable

Claims 9-11, 19, 50-53, 61, 76-79, and 85 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view of Stewart in further view of Wheeler. These Claims depend upon the independent Claims discussed above, which are rejected under Rieser in view of Stewart. For at least the reasons discussed above, Rieser and Stewart do not disclose each of the features recited in the independent claims. Wheeler does not cure the defects present in Rieser and Stewart. Applicant respectfully submits that the combination of Rieser, Stewart, and Wheeler fails to teach or suggest all of the features and limitations recited in Claims 12, 31, 54, 62, 80, and 86.

Wheeler discloses a method and system for requesting and dispatching emergency services to a wireless communications network customer. The system includes a wireless communication device; a wireless communications network, including a wireless transceiver tower; a security monitoring center; and a pool of emergency services. (Wheeler, ¶ 9). When a customer using the wireless communication device transmits a request for emergency services, the request is sent to the monitoring center. (Wheeler, *Abstract*). The monitoring center evaluates the location of the customer, the personal profile of the customer, and the nature of the request. (*Id.*) The monitoring center then issues an appropriate dispatch to emergency service providers. (*Id.*).

Wheeler does not teach or suggest transmitting signals following a predetermined path over a transceiver network. As discussed above, Rieser and Stewart do not disclose each and every claim element and limitation of the amended independent Claims. Additionally, the Rieser-Stewart-Wheeler combination does not disclose each and every claim element and limitation recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver transmitting a signal along one or more predetermined paths over a transceiver network.

For at least these reasons, Applicant respectfully submits that Rieser, Stewart, and Wheeler fail to teach or suggest all of the features and limitations recited in Claims 9-11, 19, 50-53, 61, 76-79, and 85. Therefore, Claims 9-11, 19, 50-53, 61, 76-79, and 85 are patentable over the cited references and withdrawal of the § 103(a) rejection is respectfully requested.

D. Claims 12, 31, 54, 62, 80, & 86 Are Patentable

Claims 12, 31, 54, 62, 80, and 86 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view of Stewart in further view of Tendler. These Claims depend upon the independent Claims discussed above, which are rejected under Rieser in view of Stewart. For the reason discussed above, Rieser and Stewart do not disclose each of the features recited in the independent claims. Tendler does not cure the defects present in Rieser and Stewart. Applicant respectfully submits that the combination of Rieser, Stewart, and Tendler fails to teach or suggest all of the features and limitations recited in Claims 12, 31, 54, 62, 80, and 86.

Tendler discloses a cellular phone based automatic emergency vessel/vehicle location (EVLS) system. The Tendler system includes a cellular phone with an EVLS module for speech synthesis and location decoding, and a combined dialer and activation detector. (Tendler, col. 2, lines 25-30). The cellular phone keypad, a panic button, a Lojack/hijack sensor, a car theft alarm, airbag deployment, a man down sensor, or other form of remote activation can activate the activation detector. (Tendler, col. 2, lines 60-67). Upon activation, the activation detector/dialer causes the cellular phone to dial a telephone number and communicate via the cell phone transceiver and cell phone network—no other transceiver or communication network is utilized. (Tendler, col. 2, lines 41-44). Once connected to another phone, the EVLS system decodes its location and provides a synthesized voice emergency message signaling an emergency and the location of the emergency. (Tendler, col. 6, lines 17-20).

Tendler does not teach or suggest transmitting signals following a predetermined path over a transceiver network. As discussed above, Rieser and Stewart do not disclose each and every claim element and limitation of the amended independent Claims. Additionally, the Rieser-Stewart-Tendler combination does not disclose each and every claim element and limitation recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver transmitting a signal along one or more predetermined paths over a transceiver network.

For at least these reasons, Applicant respectfully submits that Rieser, Stewart, and Tendler fail to teach or suggest all of the features and limitations recited in Claims 12, 31, 54, 62, 80, and 86. Therefore, Claims 12, 31, 54, 62, 80, and 86 are patentable over the cited references and withdrawal of the § 103(a) rejection is respectfully requested.

E. Claims 36, 38, & 39 Are Patentable

Claims 36, 38, and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view Stewart in further view of Hunter. These Claims depend upon Claim 33, which is rejected under Rieser in view of Stewart. For at least the reasons discussed above, Rieser and Stewart do not disclose each of the features recited in Claim 33. Applicant respectfully submits that the combination of Rieser, Stewart, and Hunter fails to teach or suggest all of the features and limitations recited in Claims 36, 38, and 39.

Hunter discloses a system and method for emergency notification content delivery. The system includes an emergency notification source, a transmitting party such as a cable system operator, and devices coupled to the transmitting party. (Hunter, ¶ 50). The emergency notification source transmits real-time emergency information to the transmitting party, and the transmitting party transmits the real-time emergency information to users via the devices. (*Id.*)

Hunter does not cure the defects present in Rieser and Stewart. Hunter does not teach or suggest signals following a predetermined path over a transceiver network. As discussed above, Rieser and Stewart do not disclose each and every claim element and limitation of the amended independent Claims. Additionally, the Rieser-Stewart-Hunter combination does not disclose each and every claim element and limitation recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver transmitting a signal along one or more predetermined paths over a transceiver network.

For at least these reasons, Applicant respectfully submits that Rieser, Stewart, and Hunter fail to teach or suggest all of the features and limitations recited in Claims 36, 38, and 39. Therefore, Claims 36, 38, and 39 are patentable over the cited references and withdrawal of the § 103(a) rejection is respectfully requested.

F. Claims 40 & 69 Are Patentable

Claims 40 and 69 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view Stewart in further view of Manis. These Claims depend upon Claims 33 and 67, which are rejected under Rieser in view of Stewart. For at least the reasons discussed above, Rieser and Stewart do not disclose each of the features recited in Claims 33 and 67. Applicant respectfully submits that the combination of Rieser, Stewart, and Manis fails to teach or suggest all of the features and limitations recited in Claims 40 and 69.

Manis discloses a power line communication system. As provided by Manis, the goal of Manis is to solve the problem encountered when multiple power line communication systems are utilized on different power line network segment. (Manis, ¶ 11). More specifically, Manis is concerned with adding communication capabilities to an existing power line communication system “without sacrificing [the] legacy system and preserving its bandwidth as much as possible.” (*Id.*). Manis does not teach or suggest signals following a predetermined path over a transceiver network.

Manis does not cure the defects present in Rieser and Stewart. Manis does not teach or suggest signals following a predetermined path over a transceiver network. As discussed above, Rieser and Stewart do not disclose each and every claim element and limitation of the amended independent Claims. Additionally, the Rieser-Stewart-Manis combination does not disclose each and every claim element and limitation recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver transmitting a signal along one or more predetermined paths over a transceiver network.

For at least these reasons, Applicant respectfully submits that Rieser, Stewart, and Manis fail to teach or suggest all of the features and limitations recited in Claims 40 and 69. Therefore, Claims 40 and 69 are patentable over the cited references and withdrawal of the § 103(a) rejection is respectfully requested.

G. Claims 55 & 56 Are Patentable

Claims 55 and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieser in view Stewart in further view of Struhsaker. Claims 55 and 56 depend upon Claim 41, which is rejected under Rieser in view of Stewart. For at least the reasons discussed above, Rieser and Stewart do not disclose each of the features recited in Claim 41. Struhsaker does not cure the defects present in Rieser and Stewart. Applicant respectfully submits that the combination of Rieser, Stewart, and Struhsaker fails to teach or suggest all of the features and limitations recited in Claims 55 and 56.

Struhsaker discloses an apparatus for reallocating communication resources to establish a priority call in a fixed wireless access communication system. When communication resources are initially unavailable to permit establishment of a priority or emergency call, normal call set-up procedures are emulated at a subscriber station from which the call is to be originated.

(Struhsaker, ¶ 60). During emulation, the system determines if the call is a priority or emergency phone call. (Struhsaker, ¶ 62). If the system determines that the call is a priority or emergency phone call, communication resources are reallocated in the communication system to permit the call, and the caller is not made aware of the initial unavailability of resources. (Struhsaker, ¶ 62-63).

Struhsaker does not teach or suggest signals following a predetermined path over a transceiver network. As discussed above, Rieser and Stewart do not disclose each and every claim element and limitation of the amended independent Claims. Additionally, the Rieser-Stewart-Struhsaker combination does not disclose each and every claim element and limitation recited in the amended independent Claims. Specifically, the cited combination does not teach or suggest a transceiver transmitting a signal along one or more predetermined paths over a transceiver network.

For at least these reasons, Applicant respectfully submits that Rieser, Stewart, and Struhsaker fail to teach or suggest all of the features and limitations recited in Claims 55 and 56. Therefore, Claims 55 and 56 are patentable over the cited references and withdrawal of the § 103(a) rejection is respectfully requested.

IV. Notice of Entity Status Change

In accordance with MPEP § 509.03, the current owner of this application notifies the United States Patent and Trademark Office that this application no longer qualifies for small entity status. Accordingly, pursuant to 37 C.F.R. § 1.27(g)(2), it is respectfully requested that small entity status be withdrawn for this application.

In further accordance with MPEP § 509.03, Applicant asserts that it can continue paying small entity fees as stated in 37 C.F.R. § 1.27(g)(1). Indeed, this USPTO regulation states: “Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.” 37 C.F.R. § 1.27(g)(1) (emphasis added); see also *Daimlerchrysler AG v. Feuling Advanced Techs., Inc.*, 276 F. Supp. 2d 1054, 1060-61 (S.D. Cal. 2003). In adherence to and depending upon this USPTO regulation, Applicant will continue to pay small entity fee even though entity status has changed until an issue fee becomes due in this application. *Id.*; see also MPEP § 509.03.

V. Fees & Express 37 CFR § 1.137(b) Petition For Revival

Applicant believes no claims fees are due because the total number of Claims is equal to the number of Claims previously paid for in this Application.

This *Response* is being submitted with the enclosed revival petition. Thus, it is believed that the present submission satisfies all requirements of 37 CFR § 1.137(b). USPTO personnel are invited to contact the undersigned for information related to revival of this Application. Accordingly, Applicant respectfully requests the USPTO to revive the present Application to enable continuance of prosecution.

No other fees are believed due at this time. Authorization to charge Deposit Account No. 20-1507, however, is given should additional fees be due for full acceptance of this submission, to enable revival of this Application, and to continue prosecution of this Application.

VI. Conclusion

This *Response* is believed to be a complete response to the 22 March 2007 *Notice of Abandonment* and the 29 March 2006 *Office Action*. Applicant respectfully asserts that the Application is condition for revival and that the currently pending claims are in condition for allowance. Applicant, therefore, respectfully requests passing of this case in due course of patent office business. If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities remaining in the application which may be corrected by an Examiner's amendment, a telephone call to Hunter Yancey at (404) 885-3696 is respectfully requested.

Respectfully submitted,

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